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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 9

Application Number: 09/357,720
Filing Date: July 21, 1999
Appellant(s): BELL, RUSSELL W.

Daniel R. McClure
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/22/02.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 103. This rejection is set forth in prior Office Action, Paper No. 4.

1. Claims 1-12 are rejected under 35 U.S.C. 103 as being obvious over Conant et al [Conant 5,315,592] in view of Dillon [6,067,561]

2. As per claims 1,7 and 9 Conant discloses a method for communicating in a point to multi-point digital subscriber line (DSL) network, comprising the steps of:

electrically connecting a local loop to customer premises wiring [Conant col 3 lines 36-62, col 4 lines 1-10];

configuring the computer as a Slave computer on the LAN, if at least one other computer is detected as being in communication with the LAN [Conant col 11 lines 40-67];

establishing a WAN communications link between the Master computer located at the customer premises and a line card located at a central office, across the local loop, wherein communications between the Master computer and the central office occur in a WAN frequency band; [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15]. Examiner takes an Official Notice that the DSL network is well-known in the network as inherent feature of WAN link [see Liu, Veerina references]

However Conant is silent on directing outgoing WAN communications from any of the Slave computers to the WAN communications link, via the Master computer; and receiving incoming WAN communications directly at any of the Slave computers.

A skilled artisan would have looked to the Wide area network art to implement the Conant's apparatus and found Dillon's teaching. Dillon taught a network environment wherein a client sends requests through a server which is connected to a front end computer (WAN link) and the front end computer sends a notification or response directly to client machine [Dillon Fig 1-2].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of sending request indirectly through a computer and receiving the response directly from a WAN link as taught by Dillon into Conant's apparatus in order to utilize the LAN/WAN links. Doing so would provide the quick, simple and efficient process to communicate between source and destination on wide area network.

Thus the system and method of claims 1,7 and 9 is obvious in view of the combination of references.

3. As per claims 3 and 10 Conant-Dillon disclose the LAN frequency band is located at a higher than range that the WAN frequency band [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-ol 13 lines 15].

4. As per claims 4 and 11 Conant-Dillon disclose the WAN frequency band is a DSL frequency band as inherent feature of WAN link [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

5. As per claims 5 and 12 the WAN frequency band more specifically comprises an upstream frequency band and a downstream frequency band as inherent feature of

WAN link [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

6. As per claim 2, Conant-Dillon disclose outgoing communications from a Slave computer to the Master computer using a LAN frequency band [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

7. As per claim 6, Conant-Dillon disclose the step of receiving incoming WAN communications includes monitoring, by the Slave computers, communications over the customer premises wiring within the downstream frequency band as inherent feature of WAN link [Conant col 3 lines 9-35,col 5 lines 15-43, col 6 lines 8-36, col 11 lines 40-67,col 12 line 37-col 13 lines 15].

8. As per claim 8 Conant-Dillon disclose third logic, operable upon a reset condition, configured to determine whether any other computer is presently in communication with the LAN; fourth logic configured to establish WAN communications from the computer within a WAN frequency band, if the third logic indicates that no other computer is presently in communication with the LAN as inherent features of reset logic on bridges [Conant col 9 lines 6-15].

(11) Response to Argument

Claim Group I

9. A. As per claim 1, applicant argues the prior art does not teach "directing outgoing WAN communications from any of the slave computer to the WAN communications link via the master computer.

Examiner notes the teaching above is equivalent to a subscriber computer (slave computer) using the satellite link as a WAN communication link directly communication to other computer via a server computer (master computer) [Dillon Fig 1-2].

B. As per claim 1, Applicant argues the slave bridge is impossible to deirect an outgoing communication to WAN via master bridge.

Examiner notes a skkiled artisan would repalce the master bridge to server and slave bridge to client computer as taught by Dillon. Thus the slave bridge or client computer could direct outgoing communication to WAN via the master bridge or server.

C. As per claim 1, Applicant argues the Master and Slave are on the same LAN.

Examiner notes it is well-known in the art that a bridge extends the signal between LAN which has same topology (i.e.: Ethernet). Thus there is nothing change wherever the slave computer is on Lan1 or LAN 2 which is connected by a bridge.

10. D. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Conant discloses a WAN/LAN environment including the master bridge and slave bridge, loop circuitry.

However Conant does not detail the DSL modem, direct transmission. Dillon discloses a WAN/LAN environment using modem and direct communication such as satellite communication [Dillon Fig 1-2].

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the technique of communication directly from a WAN link as taught by Dillon into Conant's apparatus in order to utilize the LAN/WAN links. Doing so would provide the quick, simple and efficient process to communicate between source and destination on wide area network.

Claim Group II:

11. As per claim 3, applicant argues the prior art does not teach the LAN frequency band and WAN frequency band. Examiner notes the prior art taught the WNA/LAN frequency band is obviously produced by the WAN/LAN devices.

Claim Group III

12. As per claim 4, applicant argues the WAN frequency band is a DSL band.

Examiner notes the prior art taught the cable modem [Dillon col 12 lines 10-15] which is equivalent to DSL modem.

Claim Group IV

13. As per claim 8, applicant argues fourth logic configured to establish WAN communications from the computer within a WAN frequency band, if the third logic indicates that no other computer is presently in communication with the LAN.

Examiner notes the prior art taught monitoring [Conant col 3 lines 49] and detecting service [Dillon col 9 line 25, col 10 line 56]; which is equivalent to the third

logic ; and configuring [Dillon col 8 line 57] and communicating [Dillon col 5 line 36] which equivalent to the fourth logic.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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December 19, 2002

Conferees

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